

urinary tract, various eruptive affections of the skin, such as ivy poisoning, urticaria, eczema, impetigo, and prurigo, and accidental wounds, such as abrasions, cuts, and bruises; that it would help to prevent infection, diminish pain, and expedite repair; that it would be efficacious in the treatment of old sores, abscesses, ulcers, and suppurating wounds, and would stimulate granulation; that it would be efficacious in the treatment of fetid discharge from pus cavities and external wounds; that, when used as directed, it would be efficacious in the treatment of tonsillitis, laryngitis, pharyngitis, and sore throat, acute and chronic nasal catarrh, gingivitis of local or systemic origin, and spongy, bleeding, or receding gums; that the article would impart tone and firmness to the gums, would help prevent the decay of teeth, would normalize the salivary secretions, would prevent fermentative processes, and would tone the oral activity; and that it would be efficacious in preventing fetid breath and the spread of such contagious diseases as scarlet fever, smallpox, chickenpox, and measles, in disinfecting all discharges from a patient suffering from a contagious disease, in treating eruptive affections of the skin and an inflammatory condition of the skin caused by undue exposure to the sun, wind, or frost, in treating various intestinal disorders arising from the ingestion of unripe fruit, tainted meats or vegetables, sour or impure milk, or other unwholesome foodstuffs, and in treating intestinal fermentation involving diarrheal or dysenteric symptoms. The article would not accomplish the results suggested and implied in its labeling.

Analysis of a sample of the Syrup of Ambrozion disclosed that the article consisted essentially of terpene hydrate, guaiacol, ammonium chloride, compounds of sodium and potassium, a small proportion of alkaloid such as sanguinarine, sugar, and water. The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be efficacious in the treatment of acute and chronic inflammatory affections of the upper respiratory passages where cough, labored breathing, lessened expectoration, and pain are disturbing factors; that it would aid in allaying respiratory hyper-sensitiveness; that it would overcome the feeling of tightness or suffocation by aiding the expulsion of mucous from the air passages, and would allay pain due to expulsive efforts; that it would be useful in acute and chronic bronchitis because it would increase the fluidity of bronchial secretions, stimulate expectoration, and exert a soothing influence on the bronchial mucous membrane; that it would tend to prevent the accumulation of mucous in the air passages of persons of advanced age suffering from chronic bronchitis, and thus render respiration less difficult or discomforting; that it could be used to distinct advantage as both a prophylactic and palliative in acute attacks of bronchitis, such as frequently follow exposure to cold or dampness; that it would be beneficial in the treatment of asthma; that, when used as soon as symptoms of an impending seizure of hay fever were experienced, it would be efficacious in preventing the development of an attack of hay fever; that it would be efficacious in cases of whooping cough, in diminishing the number and severity of paroxysms, in facilitating expectoration, and in tending to allay the nervousness of the patient; that it would render the patient less liable to attacks of vomiting after paroxysms of whooping cough, and would promote sleep; that the article would be advantageous in the prevention of attacks of cold, bronchitis, laryngitis, or other inflammatory affections of the respiratory tract in persons predisposed to such attacks; and that it would be efficacious in the cure, mitigation, treatment, or prevention of inflamed mucous membranes of the throat. The article would not accomplish the results suggested and implied in the labeling.

On October 11, 1944, the defendant having entered a plea of guilty, the court imposed a fine of \$100 on 1 count and \$150 on each of 2 other counts, a total fine of \$400.

1354. Misbranding of herb remedies. U. S. v. Alta C. Meskill. Plea of guilty. Fine, \$250. Sentence of 6 months' imprisonment suspended, and defendant placed on probation for 5 years. (F. D. C. No. 11417. Sample Nos. 17792-F, 17793-F, 33817-F to 33821-F, incl., 34014-F, 34015-F.)

On July 24, 1944, the United States attorney for the Middle District of Pennsylvania filed an information against Alta C. Meskill, Williamsport, Pa., alleging shipment on or about February 2 and April 18, 1943, from the State of Pennsylvania into the State of New York of a quantity of herb remedies referred to as No. 16-1, No. 21-01, Meskill's Special Compound No. 1-2-3, No. 120-00S Compound, No. 990 Laxative, No. 9990-B-T, No. 7., No. 1116, and No. 1321.

Analysis of the No. 16-1 showed that it consisted essentially of plant material including fennel seed, rosemary leaves, juniper berries, althaea root, sweet

fern leaves, malva leaves, black cohosh root, and podophyllum root. The article was alleged to be misbranded in that the statements on its labeling, "We can highly recommend it in case of Rheumatism. Sciatic Lumbago Cramps. Painful menses. Neuralgia, etc.," were false and misleading since the article would not be efficacious in the cure, mitigation, treatment, or prevention of the conditions named, or the other conditions indicated by the abbreviation "etc."

Analysis of No. 21-01 showed that it consisted essentially of plant material including ground leaves and stem and rhizome tissues. The article was alleged to be misbranded in that the statements in its labeling, "Useful in Nervous Exhaustion and headaches and nervous depression * * * Distinguished for remedial power," were false and misleading since the article would not be efficacious in the cure, mitigation, treatment, or prevention of nervous exhaustion, headaches, and nervous depression, and it was not "Distinguished for remedial power," i. e., it was not of outstanding value for its remedial properties.

The Meskell's Special Compound No. 1-2-3 consisted of a powder in a white box, "No. 1," a liquid, "No. 2," and a powder in a pink box, "No. 3." Analysis showed that the No. 1 powder consisted of Epsom salt; the No. 2 liquid consisted of cottonseed oil; and the No. 3 powder consisted of Rochelle salt. The article was alleged to be misbranded because of false and misleading statements on its label and in an accompanying circular entitled "Herbs are Healthful," and an accompanying leaflet entitled "Questionnaire Blank," which represented and suggested that the powders and liquid, when used singly or in combination with each other, would be efficacious in the cure, mitigation, treatment, or prevention of disorders of the liver, gallstones, pain below the ribs, at the stomach, and under the shoulder blades, nausea, belching of gas, spitting up of sour food, sallow complexion, distension of the stomach after eating, irregular bowels, ulceration of the stomach, dyspepsia, dizziness, colitis and enteritis, yellow complexion, sallow eyes, and coated tongue.

Analysis of the No. 120-00S Compound showed that it consisted of plant material including fennel seed, juniper berries, serpentaria root, wahoo bark, and wintergreen leaves. The article was alleged to be misbranded because of false and misleading statements in the aforesaid accompanying circular and leaflet regarding its efficacy in the cure, mitigation, treatment, or prevention of rheumatism, neuralgia, arthritis, and neuritis, and as an effective blood remedy.

Analysis of the No. 990 Laxative showed that it consisted of plant material including senna leaves, buckthorn bark, fennel seed, licorice root, cascara sagrada bark, calamus root, and ginger root. The article was alleged to be misbranded (1) because of false and misleading statements in the aforementioned circular and leaflet, which accompanied the article, regarding its efficacy in regulating the bowels, removing all superfluous bile from the liver, and strengthening the kidneys; (2) in that the labeling statements, "A combination of Native Pure Roots, Herbs, Barks and Flowers," were false and misleading since the article was not composed solely of native roots, herbs, barks, and flowers, but contained senna, a substance that is not native to the Western Hemisphere; and (3) in that its label failed to warn that the article should not be taken when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present, and that frequent or continued use of the article might result in dependence on laxatives to move the bowels.

Analysis of the No. 9990-B-T showed that it consisted essentially of plant material including thyme leaves, fennel seed, corn silk, uva ursi leaves, althaea root, cascara sagrada bark, ginger root, anise seed, and berberis root. The article was alleged to be misbranded because of false and misleading statements on its label regarding its efficacy as a tonic and in the toning of the digestive organism, and in the treatment of gastritis, bloating, and heartburn.

Analysis of the No. 7 showed that it consisted essentially of plant material including ginger root, sassafras bark, peppermint leaves, clove buds, sabal berries, juniper berries, cubeb berries, and cascara bark. The article was alleged to be misbranded (1) in that the statements, "No. 7 This will break a cold, la grippe or aching bones, neuralgia and nervousness. The herbs promptly destroys the cause of all these complaints," appearing in the afore-mentioned circular, which accompanied the article, were false and misleading since the article would not be efficacious in the cure, mitigation, treatment, or prevention of colds, grippe, aching bones, neuralgia, or nervousness, and the article would not destroy the causes of those conditions promptly, or at all; and (2) in that the article was a laxative and its labeling failed to warn that the article should not be taken when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present, or that frequent or continued use of the article might result in dependence on laxatives to move the bowels.

Analysis of No. 1116 showed that it consisted essentially of plant material including althaea root, mint leaves, sweet fern leaves, black cohosh root, and dog grass rhizomes. The article was alleged to be misbranded because of false and misleading statements on its label and in the afore-mentioned circular, which accompanied the article, regarding its efficacy in the cure, mitigation, treatment, or prevention of kidney and bladder irritation, diabetes, and Bright's disease, and as a remedy for either diabetes or Bright's disease.

Analysis of No. 1321 showed that it consisted essentially of plant material including buchu leaves, uva ursi leaves, equisetum, althaea root, and sassafras bark. The article was alleged to be misbranded because of false and misleading statements on the label and in the afore-mentioned circular, which accompanied the article, regarding its efficacy in the cure, mitigation, treatment, or prevention of kidney and bladder irritation, gravel, and backache, and in soothing inflammation and irritation of the kidneys or bladder.

The articles, with the exception of the Meskell's Special Compound No. 1-2-3, were alleged to be misbranded further in that their labels failed to bear any statements of the quantity of the contents.

The articles Compound No. 1-2-3, No. 120-00S, No. 990 Laxative, No. 9990-B-T, No. 7, No. 1116, and No. 1321 were alleged to be misbranded further because of false and misleading statements in the afore-mentioned circular accompanying them which represented and suggested that herbs were first in therapeutic importance with respect to harmlessness and effectiveness in combating all diseases; that all herbs were nonpoisonous; that the herb formulas for the articles were secret formulas and would be efficacious to heal most all diseases and to treat diseases considered to be hopeless cases; and that the herbs asparagus, bael, borage, balmony, bittersweet, bloodroot, blue flag, blue mallow, boneset, burdock, calamus, black cohosh, gravel root, goldenseal, ground ivy, wild thyme, and tolu balsam, either used alone or in combination, would purify the blood and would be efficacious in the cure, mitigation, treatment, or prevention of heart conditions, dropsy, diarrhea, affections of the chest, constipation, jaundice, kidney ailments, rheumatism, polypus, chest and lung conditions, bronchitis, blood and urine disorders, coughs, all fevers, liver disorders, dyspepsia, whooping cough, chronic catarrh, catarrh of the bronchial tubes, catarrh of the stomach, nervousness, neuritis, eczema, general debility, hardening of the arteries, goiter, and ulcers of the stomach.

The articles No. 16-1, No. 21-01, No. 990 Laxative, No. 1116, and No. 1321 were alleged to be further misbranded in that their labels failed to bear a statement of the common or usual name of each active ingredient since the statements "barks, herbs, roots and flowers" on the label of the No. 16-1, "roots, herbs, barks and flowers" on the labels of the No. 21-01 and the 990 Laxative, and "Herbs, Leaves, Barks, Roots, Flowers" on the label of the No. 1116, and "herbs, leaves, roots, barks and berries" on the label of the No. 1321, did not constitute statements of the active ingredients of the articles.

On October 18, 1944, a plea of guilty having been entered, the defendant was fined \$250 on count 1, and a sentence of 6 months in jail on the remaining 8 counts, to be served concurrently, was imposed. The jail sentence was suspended and the defendant was placed on probation for 5 years, with the understanding that she should discontinue selling misbranded drugs.

1355. Misbranding of Pal-Pinto Minerals. U. S. v. Texas Carlsbad Water Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 11328. Sample No. 8900-F.)

On March 17, 1944, the United States attorney for the Northern District of Texas filed an information against the Texas Carlsbad Water Co., a corporation, at Dallas, Tex., alleging shipment of a quantity of the above-named product on or about May 7, 1943, from the State of Texas into the State of Mississippi.

Analysis of a sample of the article showed that it consisted essentially of sodium sulfate and sodium chloride with small proportions of magnesium sulfate and potassium chloride.

The article was alleged to be misbranded because of false and misleading statements in an accompanying circular entitled "Pal-Pinto Minerals," which represented and suggested that the article would be efficacious for many ailments due to a sluggish or poorly active system; that it would relieve inorganic aches and pains and a tired, "all in" feeling; that it would aid the user to function with the precision needed for an uninterrupted flow of energy and vitality; that it would remove the cause of illness and build up body resistance; that it would aid the kidneys in eliminating waste and impurities from the body, and would supply the system with the body minerals necessary to maintain good health and